

MAY 30 2007

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Linh A. Dinh, Loc X. Phan, Robert Eury, Irina Pomerantseva and Michael Froix
Application No.:	10/061458
Filed:	February 1, 2002
For:	EXPANDABLE UNIT CELL AND INTRALUMINAL STENT (Reissue of U.S. 6,019,789)
Group Art Unit:	3738

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Docket No.: S63.2L-10389-US01

## PETITION UNDER 37 CFR § 1.47(a)

Petitioner hereby requests that the USPTO accept executed Reissue Declarations from two of five inventors, and excuse the remaining three inventors from signing as being unavailable. As a result, the above referenced Application is made on behalf of unavailable co-inventors Robert Eury, Linh Dinh and Loc Phan by available co-inventors Michael Froix and Irina Pomerantseva, as indicated on the enclosed Reissue Declarations.

12/05/2007 CKHLOK 00000005 220350 10061458

01 FC:1462 400.00 DA

Robert Eury

With respect to unavailable inventor Robert Eury, this application has previously been accorded Rule 1.47(a) status, wherein Robert Eury could not be located despite diligent efforts. A copy of the decision, mailed June 26, 2003, is enclosed herewith. As such, it is believed that no further showing is required with respect to Robert Eury for this petition.

Robert Eury's last known address remains 10378B Lockwood Dr.,  
Cupertino, CA 95014.

06/01/2007 CNGUYEN2 00000007 220350 10061458

02 FC:1463 200.00 DA

Adjustment date: 12/05/2007 CKHLOK  
06/01/2007 CNGUYEN2 00000007 220350 10061458  
02 FC:1463 200.00 CR

Linh Dinh

With respect to unavailable inventor Linh Dinh, this application has previously been accorded Rule 1.47(a) status, wherein Linh Dinh refused to join after having been presented with the reissue application papers. A copy of the decision, mailed June 26, 2003, is enclosed herewith.

Inventor Dinh was given an additional chance to join in the application but has not taken action to join as of the time of this petition. A skiptrace search was conducted and a new address was discovered. Reissue application papers including the patent under reissue, changes to the specification and claims, and the Reissue Declaration were sent to the newly discovered address by certified mail. The return receipt indicates that the package was received on April 8, 2007. Copies of the skiptrace search and the return receipt are enclosed herewith. As of May 30, 2007, we have not received any response from Linh Dinh. The lack of response is evidence that Linh Dinh, who previously refused to join in the application, continues to refuse to join.

Linh Dinh's last known address, found in the skiptrace search, is 2967 Cataldi Dr, San Jose, CA 95132.

Loc Phan

With respect to unavailable inventor Loc Phan, a package containing reissue application papers was mailed to the previous last known address of 1197 Fargate Circle, San Jose, CA 95131. This package was returned as unclaimed. A copy of the mailing label is enclosed herewith.

A skiptrace search was then conducted, which found a new address. Reissue application papers including the patent under reissue, changes to the specification and claims, and the Reissue Declaration were sent to the newly discovered address by certified mail. This second package was left unclaimed and is being returned. As of May 30, 2007, we have not yet received the return package in the mail. Printouts from the United States Postal Service website indicate that attempts to deliver the package were made on April 6, 2007 and May 8, 2007, but the package was returned to sender on May 16, 2007 because it was not claimed by the addressee.

Applicant's undersigned representative also called Loc Phan on April 3, 2007, at the telephone number listed in the skiptrace search and left a voicemail message. The call was not returned.

Thus, the bona fide attempts to present inventor Loc Phan with the reissue application papers went unanswered, and the available co-inventors request that Loc Phan be excused from executing the Reissue Declaration.

Loc Phan's last known address, found in the skiptrace search, is 3289 Pinkerton Drive, San Jose, CA 95148.

#### Related Documents

Also enclosed with this petition are:

- a) Reissue Declarations executed by available co-inventors Michael Froix and Irina Pomerantseva;
- b) Assignee's statement of ownership under 37 CFR § 3.73; and
- c) the petition fee.

Applicant authorizes the Commissioner of Patents and Trademarks to charge all required extension of time fees that have not otherwise been paid to Deposit Account No. 22-0350.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: May 30, 2007

By: \_\_\_\_\_

Jeremy G. Laabs

Registration No.: 53170

6109 Blue Circle Drive, Suite 2000  
Minnetonka, MN 55343-9185  
Telephone: (952) 563-3000  
Facsimile: (952) 563-3001

f:\wpwork\jgl\10389us01\_pet\_20070529.doc

Enclosures: copy of previous petition decision; skiptrace for Linh Dinh; return receipt for Linh Dinh; returned package for Loc Phan; skiptrace for Loc Phan; Mailing label from second package to Loc Phan; USPS printout tracking second package to Loc Phan; available executed reissue declarations; assignee's statement of ownership